

November 7, 2018

**MINUTES OF MECKLENBURG COUNTY, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS**

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, North Carolina at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Wednesday, November 7, 2018.

ATTENDANCE

Present: Chair Ella B. Scarborough and Commissioners
Dumont Clarke, Patricia "Pat" Cotham, George Dunlap,
Trevor M. Fuller, Vilma D. Leake,
Jim Puckett, and Matthew Ridenhour
County Manager Dena R. Diorio
County Attorney Tyrone C. Wade
Clerk to the Board Janice S. Paige

Absent: Commissioner Bill James

-INFORMAL SESSION-

Commissioners Dunlap and Fuller were absent when the meeting was called to order and until noted in the minutes.

The meeting was called to order by Chair Scarborough, after which the matters below were addressed.

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) to be removed from Consent and voted upon separately. The items identified were Items 18-5001, 18-5005, 18-5011, 18-5019 and 18-5024.

STAFF BRIEFINGS - NONE

CLOSED SESSION

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18-5006 PERSONNEL MATTER
18-5018 CONSULT WITH ATTORNEY
18-5026 BUSINESS LOCATION AND EXPANSION

Prior to going into Closed Session, County Attorney Wade announced there were no Consult with Attorney matters to be discussed in Closed Session.

Motion was made by Commissioner Puckett, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cotham, Leake, Puckett, Ridenhour and Scarborough voting yes, to go into Closed Session for the following purpose(s): Personnel Matter and Business Location and Expansion.

The Board went into Closed Session at 5:10 p.m. and came back into Open Session at 6:20 p.m.

Commissioners Dunlap and Fuller were present when the Board came back into Open Session. They entered the meeting during Closed Session.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Chair Scarborough called this portion of the meeting to order. Commissioner Clarke gave the invocation which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

AWARDS/RECOGNITION – NONE

PUBLIC APPEARANCE

18-5015 PUBLIC APPEARANCE

The following persons appeared to speak during the Public Appearance portion of the agenda:

Stephen Galfas and Pastor Clement Morris addressed their church's desire to use the Tyvola Senior Center on Sundays at 10:30 a.m. for worship and on Thursdays at 7:00 p.m. They've been informed that on Sunday it's not permissible to divide the large Conference Room into sections, as done through the week. Since the Church doesn't need the entire space on Sundays, the Board was asked to consider changing the rules to allow them to only rent the amount of space needed.

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APPOINTMENTS

18-5025 APPOINTMENTS – BOARD OF EQUALIZATION AND REVIEW

Commissioner Leake, Chair of the Board's Ad Hoc Committee for appointments to the Board of Equalization and Review, presented the Committee's recommendation. The other committee members were Commissioners Cotham and Fuller. The Committee recommended the appointment of Vincent Bordini, Pamela Hemphill, George Munn, and John Petoskey. It was noted that Commissioner Cotham was unable to attend the committee's meeting.

A copy of the Committee's recommendation is on file with the Clerk to the Board.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour, and Scarborough voting yes, to appoint Vincent Bordini, Pamela Hemphill, George Munn, and John Petoskey to the Board of Equalization and Review for three-year terms expiring April 16, 2021.

PUBLIC HEARINGS - NONE

ADVISORY COMMITTEE REPORTS

18-5012 PARK AND RECREATION COMMISSION ANNUAL REPORT

The Board received the annual report of the Park and Recreation Commission presented by Heidi Pruess, Chair, Rick Winiker, Vice Chair, and Peter Engels, Executive Secretary.

A copy of the report is on file with the Clerk to the Board.

Comments

Commissioner Dunlap asked whether the Park and Recreation Commission kept up with the amount of land banking that was being done, as well as, the amount of funds available for that purpose. *It was stated that this was one of the things they planned to focus on going forward.*

Commissioner Dunlap said hearing from the Park and Recreation Commission on that issue was

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something he would expect that they would do.

Commissioner Dunlap asked about the status of a skate park, per the request of youth that appeared before the Board last year.

Commissioner Dunlap said this was another matter that he would expect the Park and Recreation Commission to consider and provide a recommendation to the Board, as to whether a skate park was needed and if so, where should it be located, and who should it serve.

It was noted by the Park and Recreation Commission that they planned to look at whether the current Park Master Plan needed to be revised to reflect the current needs or priorities of the community.

Commissioner Dunlap asked how many years the County was into the 10-Year Park Master Plan. *The response was that it was beyond the 10 years.*

Commissioner Leake said she recalled when persons appeared before the Board regarding the need for a skate park. She said she wasn't sure what the follow-up was per that request. She asked that the Clerk check the records to see when that occurred and to share that information with the Park and Recreation Commission, so that they could reach out to those persons.

Commissioner Leake said she would like to receive a recommendation from the Park and Recreation Commission with respect to that request, as well for a skate park.

Commissioner Fuller asked about plans for the 200-mile greenway system, which was addressed. *It was noted to date there was approximately 50 miles on the books. Further, that through the 2008 bond projects many of them weren't scheduled to begin until around 2022 or 2023, some of which would be challenging sections and may take three to five years to complete. It was stated that beyond that timeframe, there really was not a plan, even though there was a general area noted in the Park Master Plan. Thus, it was felt by the Park and Recreation Commission that the County needed to be more aggressive with respect to land acquisition, not just for greenways but other services as well.*

Commissioner Fuller said he would like to see something that looked forward indicating the vision for the two hundred miles of greenway, where the County was to date and how could that gap be bridged or addressed to get the County to the vision, the cost etc.

Commissioner Ridenhour thanked the Commission for their report. He expressed his support of expanding the greenway system, which he viewed as little "transportation corridors."

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Commissioner Clarke thanked the Commission for their report. He noted in his remarks that often it was difficult to acquire property for greenway purposes, even when it was in the floodplain. He said the County's power of eminent domain was usually avoided, if at all possible, but that it sometimes had to be used. He said future Boards may have to consider having that "delicate" balance between using eminent domain versus negotiating "endlessly" with landowners.

Commissioner Puckett commented on the need to update the Park Master Plan. He said going forward greenways should be incorporated into the overall plan and not looked upon as something separate. Also, that the County should be more aggressive with seeking donations from developers for greenways. He suggested Park and Recreation work with Land Use and Environmental Services Agency (LUESA) to see how green space requirements and set-asides could be incorporated in the process, including for town requirements.

Commissioner Cotham thanked the Commission and said she looked forward to seeking their advisement more going forward.

This concluded the presentation and discussion. The above was not inclusive of every comment but was a summary.

Commissioner Puckett left the meeting and was absent for the remainder of the meeting.

MANAGER'S REPORT

18-5007 COUNTY MANAGER'S WORK AND PERFORMANCE PLAN FY19

County Manager Diorio said because of time constraints during Closed Session, she would address her proposed FY19 Work and Performance Plan at the next meeting.

Note: Annually, the County Manager prepares and presents to the Board for approval, the Manager's work plan for the ensuing year. The County Manager's work plan outlines the Manager's Strategic Agenda Goals for the year, including the rationale, timeline, updates/project milestones and outcome/measures for those goals. The work plan also addresses the County Manager's Individual Development Plan and Leadership Competencies. After approval, the work plan will be put online for the public, furthering transparency.

18-5038 7TH AND TRYON REDEVELOPMENT UPDATE

The Board received an update on the activities around the redevelopment of the two blocks

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centered on the intersection of 7th and North Tryon Streets.

Dennis LaCaria, Senior Assistant to the County Manager gave the update.

A copy of the report is on file with the Clerk to the Board.

Comments

Commissioner Leake said she was not opposed to what was being planned for 7th and Tryon Streets but wanted to know what was being planned for the West side of the community.

Senior Assistant to the County Manager LaCaria noted a recent meeting that was held at the Stratford Richardson YMCA regarding possible redevelopment efforts along the West Blvd corridor.

Commissioner Leake said she was also interested in plans for the Beatties Ford Road and LaSalle Street area. She noted also that she spoke with the Board of Education regarding the Lift building and how it had not been maintained.

Commissioner Leake addressed the need for development along the Beatties Ford Road corridor and noted concerns expressed to her by residents in the area.

Commissioner Fuller asked about affordable housing. He said bold actions needed to be taken. *Senior Assistant to the County Manager LaCaria said nothing concrete was available to share at this time.*

County Manager Diorio noted that the County's partners in this effort were "thinking very bold" and that affordable housing was the guiding principle for this project and on the mind of everyone involved.

Commissioner Clarke expressed concern for building the density that's envisioned for 7th Street around the existing right-of-way. He addressed the importance of making sure the City of Charlotte involved its transportation department in the discussions.

This concluded the presentation and discussion. The above was not inclusive of every comment but was a summary.

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Chair Scarborough acknowledged the omission of someone that signed up to speak regarding the Park and Recreation Commission Annual Report, Maureen Gilewski.

Ms. Gilewski spoke on behalf of Charlotte East, a voluntary board, that advocates for residents and businesses in East Charlotte to develop and strengthen its economic and social capital.

She addressed their support of public transportation and greenways. Ms. Gilewski said the East side of Charlotte lacked alternative means of transportation.

She addressed the Cross Charlotte Trail and said Charlotte East's view, was that the Trail won't be complete until it extends to the east and west, as well as, north and south, crossing through Center City. She said they refer to the east/west connection as Cross Charlotte Phase 2.

Ms. Gilewski said Charlotte East was requesting that the County approve the needed funds to extend the Campbell Creek greenway to Albemarle Road.

Chair Scarborough thanked Ms. Gilewski for appearing.

18-5006 PERSONNEL MATTER

Commissioner Cotham, Chair of the Board's Performance Review Committee addressed the County Manager's Performance Review and noted the Committee's recommendation to the full Board. The other members of the Committee were Commissioners Puckett, James, and Chair Scarborough. It was noted that Commissioner Leake was present at the Committee's meeting but was not a voting member.

The following was noted:

- The Performance Review Committee recognized the County Manager's Exemplary Performance.
- The Performance Review Committee wanted to give the County Manager a raise that was in proportion to what County employees would receive, which would be around a five percent increase.
- The County Manager asked for a cash bonus, but the Performance Review Committee decided it did not want to recommend that at this time; but would consider it in the future. However, in Closed Session, when this was shared with the full Board, it was decided to approve a cash bonus.
- The total compensation, which includes a cash bonus of \$16, 319.00, is \$400,619.

Motion was made by Commissioner Cotham, seconded by Commissioner Dunlap and carried

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6-1 with Commissioners Clarke, Dunlap, Fuller, Leake, Ridenhour, and Scarborough voting yes and Commissioner Cotham voting no, to approve the final recommendation of the Board, to approve the County Manager's total compensation at \$400,619.00.

Note: The County Manager's compensation is effective as of July 1, 2018.

Note: Commissioner Cotham clarified that her vote was nay, because she was not supportive of the cash bonus.

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS - NONE

STAFF REPORTS & REQUESTS

18-5028 MECKLENBURG COUNTY BOARD OF COMMISSIONERS' 2019 LEGISLATIVE AGENDA

Starla Tanner, Legislative Liaison, presented the proposed Mecklenburg County 2019 Legislative Agenda.

Note: The proposed Mecklenburg County 2019 Legislative Agenda was considered and recommended for approval at the October 9, 2018 meeting of the Intergovernmental Relations Committee.

Commissioner Ridenhour left the meeting and was absent for the remainder of the meeting.

The proposed legislative agenda consisted of the following:

- Support Full State Funding of Raise the Age Legislation Implementation
- Seek Funding to Increase Access to Magistrates in North Mecklenburg
- Seek Funding Parity for State Teacher Support Programs in County Funded PreK Programs
- Advocate to Add the Hepatitis A Vaccine to the Pharmacy Formulary
- Support Increasing the Age Required to Purchase Tobacco Products from 18 to 21
- Support Accurate Eviction Judgement Recording

Legislative Session Monitoring

- Health and Human Services
- Economic Development
- Transportation

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- Public Safety
- General Government

It was noted that if adopted and subsequently achieved, policy impacts would include the following resources to fully implement the 2017 Juvenile Justice Reinvestment Act, funding for additional magistrates to enable safer and more adequate service in the northern portion of the county, funding parity for state teacher support programs in county funded PreK programs, addition of Hepatitis A vaccine to the pharmacy formulary to aid outbreak efforts, support for increasing the age required to purchase tobacco products from 18 to 21 to help tackle youth nicotine addiction and support for accurate eviction judgement recording.

A copy of the report is on file with the Clerk to the Board.

Comments

Commissioner Dunlap asked was there anything on the County's proposed legislative agenda that might benefit from having the support of the North Carolina Association of County Commissioners (NCACC).

Legislative Liaison Tanner noted the support requested for the County's Homestead Exemption request.

Commissioner Fuller explained how the NCACC Legislative Goals process worked.

Commissioner Clarke commented on the recently approved amendment to the NC Constitution regarding victim's rights. He said per concerns expressed to him, there may be enabling legislation which may incur an expensive burden on local governments. He said specifically upon the District Attorney's Office which might hamper their ability to prosecute crime, which was their primary responsibility.

Commissioner Clarke said a close watch was needed with respect to this amendment. He said he would not want this to become another large county expense.

Motion was made by Commissioner Dunlap, seconded by Commissioner Fuller and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, and Scarborough voting yes, to adopt the Board's Legislative Agenda for the 2019 Long Session of the North Carolina General Assembly as presented.

COUNTY COMMISSIONERS REPORTS & REQUESTS - NONE

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CONSENT ITEMS

Motion was made by Commissioner Fuller, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake and Scarborough voting yes, to approve the following item(s):

18-5000 REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE (MCAPCO)

- (1) Approve opening a public review and comment period beginning November 7, 2018 for the proposed revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO); and
- (2) Schedule a public hearing on December 18, 2018 at 6:30 PM to receive public comment and to adopt the proposed revisions to MCAPCO.

18-5002 ARCHITECT SELECTION - CMGC RENOVATIONS PROJECT

Authorize the County Manager to negotiate fees and execute a contract with Gensler for Architectural/Engineering Services for the CMGC Renovations Project, and in the event negotiations with this firm are unsuccessful, approve negotiations with the alternate firm of Fryday & Doyme.

Note: This project includes interior renovations to various areas on levels 2, 4, and 11 of the Charlotte-Mecklenburg Government Center (CMGC) to accommodate the relocations of various County departments. The project includes relocating Public Information from the Valerie C. Woodard Center to the CMGC 4th floor, the relocation of Economic Development, renovating for new conference rooms on the 2nd floor where Economic Development vacates, and renovating the 11th floor.

18-5003 STORM WATER FUND BALANCE APPROPRIATION

Appropriate \$32,376.30 from Storm Water Fund Balance to Storm Water Capital Improvement Program fund for the Briar Creek Stream Restoration Project.

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18-5008 LAND AND EASEMENT DONATION - MALLARD CREEK GREENWAY

1. Terminate the existing greenway easement on Tax Parcel 047-131-07 (± 0.243 acres) with Summit Avenue URP, LLC.;
2. Accept donation of a permanent greenway easement (± 0.345 acres), temporary construction access easement (± 0.237 acres) and temporary greenway construction easement (± 0.142 acres) on Tax Parcel 047-131-07 from Bainbridge-GCA Mallard Creek Owner, LLC for the future development of Mallard Creek Greenway;
3. Accept the donation of a portion of Tax Parcel 047-131-07 (± 3.768 acres) for the future development of Mallard Creek Greenway;
4. Authorize the County Manager to enter into a Development Agreement with Bainbridge-GCA Mallard Creek Owner, LLC.; and
5. Recognize, receive and appropriate to the County-funded Projects Capital Improvement Fund \$193,000 from Bainbridge-GCA Mallard Creek Owner, LLC, for Mallard Creek Greenway

18-5009 LAND DONATION - CLEMS BRANCH GREENWAY

Authorize the County Manager to negotiate and execute all documents necessary for the donation of a portion of Tax Parcel 223-091-65 (± 9.00 acres) from Meritage Homes of the Carolinas, Inc. for Clems Branch Greenway.

18-5010 EASEMENT CONVEYANCE - EVERGREEN SPARROW HIGHLAND CREEK, LLC

- 1) Authorize the County Manager to convey a temporary construction easement (± 0.062 acres) to Evergreen Sparrow Highland Creek, LLC on Tax Parcel 021-122-01 for required improvements to Eastfield Road for a purchase price of \$1,000; and
- 2) Recognize \$8,000 in revenue to the General Fund, including the \$1,000 payment for a temporary construction easement, and \$7,000 for additional right of way.

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18-5017 MINUTES

Approve Minutes of Regular meeting held October 16, 2018 and October 2, 2018.

18-5021 TAX REFUNDS

Approve refunds in the amount of \$24.86 and interest as statutorily required to be paid as requested by the County Assessor.

Note: This Board action is necessary to approve tax refunds resulting from clerical errors, audits and other amendments, including revaluation appeals. There is no accrued interest.

A list of the taxpayer recipients is on file with the Clerk to the Board

**18-5022 STORM WATER PROGRAM - FY19 HAZARD MITIGATION FLOODPLAIN
ACQUISITION**

1. Accept the Offer of Sale of Real Estate from Jon Tarleton & Kristin Dodd-Tarleton, owners of property located at 1200 Mockingbird Lane, Charlotte, NC (Tax Parcel 171-091-58), for \$420,000;
2. Accept the Offer of Sale of Real Estate from Elaine Aichenbaum Aldridge & Ricky D. Aldridge, owners of property located at 1026 Montford Drive, Charlotte, NC (Tax Parcel 171- 022-40), for \$350,000; and
3. Authorize the Charlotte-Mecklenburg Police and Fire Departments to use the structures for training exercises.

Note: Since late 1999, Mecklenburg County has used local storm water fee revenue to acquire property that will minimize the risk of potential loss of life and property damage from flooding while enhancing the natural and beneficial functions of the floodplain (creating open space, expanding greenways, constructing wetlands, etc.). Selection of the referenced parcels was through application of the Flood Risk Assessment and Risk Reduction Plan (Plan), adopted by the Board on May 1, 2012. It is a locally developed approach that uses a risk-based method of identifying future flood mitigation projects. The requested actions will consist of acquiring the properties and demolishing the existing buildings using Storm Water Services capital funds for the purchase.

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**18-5027 GREENWAY ACQUISITION AND STORM DRAINAGE & TEMPORARY
CONSTRUCTION EASEMENTS**

Authorize the County Manager to negotiate and execute all documents necessary for the acquisition of a Permanent Greenway and Storm Drainage Easement (+/- 821 SF) and a Temporary Construction Easement (+/-1,988 SF) on Tax Parcel 221-101-68 and a Temporary Construction Easement (+/-11,558) on Tax Parcel 221-103-93 from Carolina Crossing Homeowners Association for a purchase price of \$15,000.

Note: On October 16, 2018 in Closed Session, the Board approved the above action, which should have also been approved in Open Session on October 16, 2018.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

**18-5001 BUDGET AMENDMENT - SHERIFF'S OFFICE - U.S. DEPARTMENT OF JUSTICE –
2018 JUSTICE ASSISTANCE GRANT**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, and Scarborough voting yes, to recognize, receive and appropriate \$137,461 from the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG).

Note: The Mecklenburg County Sheriff's Office has been receiving the U.S. Department of Justice Edward Byrne Memorial Justice Assistance (JAG) grants since 2012. This federal grant will fund several public safety initiatives and/or programs. Estimates for the following initiatives are listed below:

- \$57,900 to replace 3 IDEMIA LiveScan Stations
- \$21,000 to replace 3 MorphoBIS Review Workstations
- \$52,581 to replace 3 Live Scan Stations
- \$2,650 for 2 Tenprint Card Printers
- \$1,331 for estimated shipping and handling

This equipment will be used for criminal fingerprint services in Arrest Processing for connectivity directly to the North Carolina Department of Public Safety (NC-DPS) AFIS

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Database. It provides the ability to submit fingerprints electronically to the State Bureau of Investigations. Existing equipment currently in use will not support new technology going into effect July 1, 2019 at the North Carolina Department of Public Safety.

· \$1,999 for one additional Bee III Radar unit to be installed in a patrol vehicle in the Field Operations Division.

Commissioner Leake removed this item from Consent for more public awareness.

**18-5005 RESOLUTION DECLARING INTENT TO EXCHANGE PROPERTY - WILMORE
CENTENNIAL PARK AT SOUTHEND**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake and Scarborough voting yes, to adopt:

(1) Adopt resolutions of intent to exchange County owned Tax Parcel 123-062-17 (+/- 4,356 SF) for the northern portion of Tax Parcels 123-062-05 and 123-062-06 (+/- 4,500 SF) and an access easement on the southern portion of the same parcels with Common Square, LLC or its assignee;

(2) Authorize the County Manager to execute a rezoning petition to be filed with the City of Charlotte for the County owned Tax Parcel 123-062-17 (+/- 4,356 SF) that is proposed to be conveyed to Common Square, LLC or its assignee; and

(3) Authorize the County Manager to negotiate the terms of and execute all documents necessary for the future grant of a temporary construction easement to Common Square, LLC, or its assignee, at Wilmore Centennial Park at Southend.

Note: On October 16, 2018 in Closed Session, the Board approved a Resolution Declaring Intent to Exchange Tax Parcel 123-062-17 at Wilmore Centennial Park at Southend for Portions of Tax Parcels 123-062-05 and 123-062-06, including an Access Easement Across Other Portions of Tax Parcels 123-062-05 and 123-062-06, which should have also been approved in Open Session on October 16, 2018. The Notice of Intent to Exchange was published in the Charlotte Observer on October 19, 2018, however, there was an error with one of the parcel numbers. As such, the Board is being asked to approve a revised resolution that states the Board will take final action on November 20, 2018, rather than November 7, 2018.

Commissioner Leake removed this item from Consent for more public awareness.

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MECKLENBURG COUNTY BOARD OF COMMISSIONERS

RESOLUTION

DECLARING INTENT TO EXCHANGE TAX PARCEL 123-062-17 AT WILMORE CENTENNIAL PARK AT SOUTHEND FOR PORTIONS OF TAX PARCELS 123-062-05 AND 123-062-06, INCLUDING AN ACCESS EASEMENT ACROSS OTHER PORTIONS OF TAX PARCELS 123-062-05 AND 123-062-06

WHEREAS, Mecklenburg County owns Tax Parcel 123-062-17 (hereinafter referred to as "County Exchange Parcel") which is located on N. Tryon St at the site of Wilmore Centennial Park at Southend in Charlotte and Common Square, LLC owns Tax Parcels 123-062-05 and 123-062-06 which fronts onto West Boulevard on the same block as the County owned park; and

WHEREAS, Common Square desires to develop a mixed-use community on property bounded by N. Tryon St., West Blvd., Hawkins Street, and an alley fronting onto the park and to do so will need to acquire the County Exchange Parcel, which is +/- 4,356 SF, to implement its desired plans; and

WHEREAS, the County desires to achieve pedestrian and vehicular connectivity to the park site from West Blvd. and Common Square proposes to convey +/- 4,500 SF of the northern portions of Tax Parcels 123-062-05 and 123-062-06 and an access easement across the southern portions of the same parcels (hereinafter referred to as "Common Square Exchange Property") to accomplish County's goal; and

WHEREAS, the County Exchange Parcel has been valued at \$350,000 and the Common Square Exchange Property has been valued at \$525,000 and the County and Common Square have agreed to exchange the County Exchange Parcel for the Common Square Exchange Property based on a no out-of-pocket cash from the County transaction; and

WHEREAS, the Mecklenburg County Asset and Facility Management Department has determined that in its opinion the County will receive full and fair consideration for the County Exchange Parcel to be conveyed to Common Square, LLC; and


WHEREAS, pursuant to G.S. 160A-271, the Board of County Commissioners is authorized to exchange real property owned by the County for other real property by private negotiation if the County receives a full and fair consideration for its property; and

WHEREAS, pursuant to G.S. 160A-271, the Board proposes to authorize the exchange of the County Exchange Parcel for the Common Square Property and to follow the statutory procedure to authorize the exchange; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners proposes to authorize the exchange of the County Exchange Parcel for the Common Square Property at its next regular meeting; authorizes the County Manager to negotiate a contract for the exchange; and directs the Clerk to the Board to publish the attached notice describing the properties to be exchanged, stating the estimated value of the properties, and announcing the Board's intent to authorize the exchange on November 7, 2018 at the Board's next regular business meeting.

APPROVED the 16th day of October, 2018

Approved as to Form:


County Attorney

RBCWB:192825:3/1/2017


Clerk to the Board



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MECKLENBURG COUNTY BOARD OF COMMISSIONERS

RESOLUTION

**DECLARING INTENT TO EXCHANGE TAX PARCEL 123-062-17 AT WILMORE
CENTENNIAL PARK AT SOUTHEND FOR PORTIONS OF TAX PARCELS 123-062-05 AND 123-
062-06, INCLUDING AN ACCESS EASEMENT ACROSS OTHER PORTIONS OF TAX PARCELS
123-062-05 AND 123-062-06**

WHEREAS, Mecklenburg County owns Tax Parcel 123-062-17 (hereinafter referred to as “County Exchange Parcel”) which is located on N. Tryon St at the site of Wilmore Centennial Park at Southend in Charlotte and Common Square, LLC owns Tax Parcels 123-062-05 and 123-062-06 which fronts onto West Boulevard on the same block as the County owned park; and

WHEREAS, Common Square desires to develop a mixed-use community on property bounded by N. Tryon St., West Blvd., Hawkins Street, and an alley fronting onto the park and to do so will need to acquire the County Exchange Parcel, which is +/- 4,356 SF, to implement its desired plans; and

WHEREAS, the County desires to achieve pedestrian and vehicular connectivity to the park site from West Blvd. and Common Square proposes to convey +/- 4,500 SF of the northern portions of Tax Parcels 123-062-05 and 123-062-06 and an access easement across the southern portions of the same parcels (hereinafter referred to as “Common Square Exchange Property”) to accomplish County’s goal; and

WHEREAS, the County Exchange Parcel has been valued at \$350,000 and the Common Square Exchange Property has been valued at \$525,000 and the County and Common Square have agreed to exchange the County Exchange Parcel for the Common Square Exchange Property based on a no out-of-pocket cash from the County transaction; and

WHEREAS, the Mecklenburg County Asset and Facility Management Department has determined that in its opinion the County will receive full and fair consideration for the County Exchange Parcel to be conveyed to Common Square, LLC; and

WHEREAS, pursuant to G.S. 160A-271, the Board of County Commissioners is authorized to exchange real property owned by the County for other real property by private negotiation if the County receives a full and fair consideration for its property; and

WHEREAS, pursuant to G.S. 160A-271, the Board proposes to authorize the exchange of the County Exchange Parcel for the Common Square Property and to follow the statutory procedure to authorize the exchange; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners proposes to authorize the exchange of the County Exchange Parcel for the Common Square Property at its next regular meeting; authorizes the County Manager to negotiate a contract for the exchange; and directs the Clerk to the Board to publish the attached notice describing the properties to be exchanged, stating the estimated value of the properties, and announcing the Board’s intent to authorize the exchange on November 20, 2018 at the Board’s next regular business meeting.

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Resolution recorded in full in Ordinance/Minute Book _____, Document # _____.

18-5011 PROCLAMATION - NATIONAL ADOPTION AWARENESS MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, and Scarborough voting yes, to adopt a proclamation designating November 2018 as “National Adoption Awareness Month” in Mecklenburg County.

Commissioner Leake removed this item from Consent for more public awareness.

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Mecklenburg County

North Carolina

Proclamation

WHEREAS, all children deserve love, support, security, safe, and permanent homes where they can grow and be nurtured; and

WHEREAS, in Mecklenburg County, North Carolina, 497 children are in the custody of the Department of Social Services; and

WHEREAS, many of these children cannot be returned to the custody of their parents and need the security and nurturing of new, permanent families; and

WHEREAS, the goal of 117 of these children is adoption; and

WHEREAS, Mecklenburg County is currently recruiting families to provide a permanent home filled with love and care for these children who do not have an adoptive family identified; and

WHEREAS, most of these children have special needs because of physical, mental or emotional disabilities, because they must be placed as sibling groups, because they are children of color, or because they are older children; and

WHEREAS, everyone in Mecklenburg County can play a role in the lives of children in our child welfare system; and

WHEREAS, children waiting for a permanent home, as well as families who have adopted or served as guardian caretakers for these children, require and deserve community and public agency support.

NOW, THEREFORE, BE IT RESOLVED, that the Mecklenburg County Board of Commissioners does hereby proclaim November 2018 as

"NATIONAL ADOPTION AWARENESS MONTH"

in Mecklenburg County and urges all citizens, community agencies, religious organizations, businesses and others to celebrate families that offer permanency to foster care children through adoption or becoming guardian caretakers. Also, to recognize those children who live with the burden of an uncertain future while they await permanent families.

This the 7th day of November 2018

Ella B. Scarborough

**Ella B. Scarborough, Chair
Mecklenburg County
Board of Commissioners**



November 7, 2018

18-5019 CLOSING A PORTION OF RIGHT-OF-WAY FOR FORMER STATESVILLE ROAD (US HIGHWAY 21)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, and Scarborough voting yes, to:

1. Set a public hearing for December 18, 2018 to hear all interested parties who appear with respect to the closing of a portion of right-of-way for former Statesville Road (US Highway 21); and
2. Adopt a resolution declaring intent to close a portion of former Statesville Road (US Highway 21) right-of-way.

Note: The property owner has petitioned to close a 3.16-acre portion of right-of-way for former Statesville Road (US Highway 21). The portion of said right-of-way is located between two wooded parcels owned by the petitioner. Reportedly, the parcels will be combined and developed for industrial use. NCDOT informed the petitioner on September 24, 2018 that the portion of right-of-way petitioned to be closed was not State maintained. To close a right-of-way in the unincorporated part of the County, General Statute 153A-241 requires a public hearing and approval of the order for closing by the Board of County Commissioners. Once closed, the 3.16-acre portion of former right-of-way will become vested in the adjacent parcels owned by the petitioner.

Commissioner Leake removed this item from Consent for more public awareness.

**MECKLENBURG COUNTY BOARD OF
COMMISSIONERS**

**RESOLUTION DECLARING INTENT TO CLOSE A PORTION OF FORMER STATESVILLE ROAD (US
HIGHWAY 21) RIGHT-OF-WAY**

WHEREAS, North Carolina General Statute 153A-241 specifies that a county may permanently close any public road or easement within the county and not within the city except public roads or easements for public roads under the control and supervision of the North Carolina Department of Transportation and specifies the procedure to be followed; and

WHEREAS, a petitioner has requested that a 3.16-acre portion of right-of-way for former Statesville Road (US Highway 21) as shown on the Exhibit A map attached hereto be closed; and

WHEREAS, the Mecklenburg County Land Use and Environmental Services Agency (LUESA) has determined that in its opinion the closing of the portion of said right-of-way petitioned for closing would

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not deprive any individual owning land in the vicinity of said right-of-way of reasonable ingress and egress to their property, and would not be contrary to the public interest; and has determined that the North Carolina Department of Transportation does not maintain said right-of-way;

NOW, THEREFORE, BE IT RESOLVED, that the Mecklenburg Board of County Commissioners does hereby declare its intent to close the 3.16-acre portion of right-of-way for former Statesville Road (US Highway 21) as shown on the attached Exhibit A map, and as required by G.S. 153A-241 does hereby set a public hearing on the question of whether to close said right-of-way for December 18, 2018 at 6:30 PM in the Meeting Chamber on the first floor of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina and does hereby instruct the Clerk to the Board of Commissioners to have a Notice of Intent published once a week for three successive weeks before the hearing; and does hereby instruct the LUESA to send or have sent by registered or certified mail a copy of this resolution and Exhibit A map and Notice of Intent to each owner as shown on the County tax records of all properties adjoining the said right-of-way of former Statesville Road who did not join in the request to have said portion of the right-of-way closed; and to have a notice of the closing and the public hearing posted in at least two places at said right-of-way.

Resolution recorded in full in Ordinance/Minute Book _____, Document # _____.

18-5024 LIBRARY BOARD OF TRUSTEES TERMS

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, and Scarborough voting yes, to receive as information and direct the Clerk to the Board to change the term expiration date for all members of the Library Board of Trustees to end June 30, six months after their current expiration date in accordance with action taken by the Library Board of Trustees to change terms from a calendar year to its fiscal year.

Note: On November 13, 2017, the Library Board of Trustees voted to modify terms of trustees service from a calendar year to its fiscal year - June 30. To facilitate this change, terms for each trustee was extended by six months to June 30 of the year following his or her previously established term expiration date.

Commissioner Leake removed this item from Consent for more public awareness and for clarity.

ADJOURNMENT

Motion was made by Commissioner Fuller, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:56 p.m.

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Janice S. Paige, Clerk

Ella B. Scarborough, Chair